



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

BRUCE E. BABBITT
ATTORNEY GENERAL

April 18, 1975

The Honorable Steve Vukceovich
Arizona State Representative
House Wing, State Capitol
Phoenix, Arizona 85007

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ARIZONA ATTORNEY GENERAL

Dear Mr. Vukceovich:

We are writing in response to your question whether or not an elected State Representative can accept an appointment to another state job.

The answer to your question can be found in the Arizona Constitution, Article 4, Part 2, Sections 4 and 5. They read as follows:

Section 4. No person holding any public office of profit or trust under the authority of the United States, or of this State, shall be a member of the Legislature; Provided, that appointments in the State militia and the office of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not work disqualification for membership within the meaning of this section.

Section 5. No member of the Legislature, during the term for which he shall have been elected or appointed shall be eligible to hold any other office or be otherwise employed by the State of Arizona or, any county or incorporated city or town thereof. This prohibition shall not extend to the office of school trustee, nor to employment as a teacher or instructor in the public school system.

For your information the most recent decision of the Arizona Supreme Court involving this question was handed down in the case of State ex rel. Nelson v. Yuma County Board of Supervisors, 109 Ariz. 448, 511 P.2d 630 (1973).


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In that case the Court allowed a State Representative to be appointed to fill a vacant seat in the State Senate and reconfirmed the validity of the above quoted constitutional provisions.

If you have any further questions regarding this matter, please feel free to contact me.

Sincerely,

BRUCE E. BABBITT
Attorney General

A handwritten signature in dark ink, appearing to read "Michael M. Sophy". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

MICHAEL M. SOPHY
Special Assistant
Attorney General

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